

**Before the
Federal Communications Commission
Washington, D.C. 20554**

In the Matter of)	
)	
Amendment of Section 73.202(b),)	MM Docket No. 01-280
Table of Allotments,)	RM-10291
FM Broadcast Stations.)	
(Benjamin, Texas))	

**REPORT AND ORDER
(Proceeding Terminated)**

Adopted: July 17, 2002**Released: August 2, 2002**

By the Assistant Chief, Audio Division:

1. In response to a petition filed by Katherine Pyeatt ("Pyeatt"), the Commission has before it for consideration the Notice of Proposed Rule Making¹ seeking the allotment of Channel 237C3 at Benjamin, Texas.² Pyeatt filed comments in which she reaffirmed her support in the allotment of Channel 237C3 at Benjamin. No other comments were received at the Commission in response to the Notice.
2. We believe that the public interest would be served by the allotment of Channel 237C3 at Benjamin, Texas, as it will provide the community with an its first local FM service. Channel 237C3 can be allotted to Benjamin in compliance with the Commission's minimum distance separation requirements with a site restriction 17.5 kilometers (10.9 miles) north of the community.³
3. Accordingly, pursuant to the authority contained in Sections 4(i), 5(c)(1), 303(g) and (r) and 307(b) of the Communications Act of 1934, as amended, and Sections 0.61, 0.204(b) and 0.283 of the Commission's Rules, IT IS ORDERED, That effective September 16, 2002, the FM Table of Allotments, Section 73.202(b) of the Commission's Rules, IS AMENDED for the community listed below, as follows:

Community	Channel Number
Benjamin, Texas	237C3

¹ *Benjamin, Texas*, 16 FCC Rcd 17868 (2001).

² The allotment of Channel 237C3 at Benjamin provides a first local service to the community of Benjamin. The Notice in MM Docket No. 01-131 proposes the allotment of Channel 257C2 at Benjamin which, if allotted, could provide a second FM broadcast service for the community. See 16 FCC Rcd 12680 (2001).

³ The coordinates for Channel 237C3 at Benjamin are 33-44-27 and 99-48-54.

4. A filing window for Channel 237C3 at Benjamin, Texas, will not be opened at this time. Instead, the issue of opening this allotment for auction will be addressed by the Commission in a subsequent order.
5. IT IS FURTHER ORDERED, That this proceeding IS TERMINATED.
6. For further information concerning this proceeding, contact Kathleen Scheuerle, Media Bureau, (202) 418-2180. Questions related to the application filing process for Channel 237C3 at Benjamin, Texas, should be addressed to the Audio Division, Media Bureau, (202) 418-2700.

FEDERAL COMMUNICATIONS COMMISSION

John A. Karousos
Assistant Chief, Audio Division
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